

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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COMMERCE COMMISSION
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XO Illinois, Inc.)

v.)

NorthPoint Communications, Inc.)

Docket No. 01-0296

CHIEF CLERK'S OFFICE

JOINT MOTION BY XO ILLINOIS, INC. AND
NORTHPOINT COMMUNICATIONS, INC.
FOR ENTRY OF ORDER OF DISMISSAL
ON STIPULATED TERMS AND CONDITIONS

Complainant XO Illinois, Inc. ("XO") and defendant Northpoint Communications, Inc. ("Northpoint") respectfully submit this joint motion for entry of an order of dismissal of the above-captioned proceeding on stipulated terms and conditions. XO and Northpoint respectfully request that, in its order dismissing this proceeding, the Commission should provide that any carrier going out of business or withdrawing from the provision of a service ("the exiting carrier") must:

1. Provide all affected customers and carriers not less than 30 days' advance notice in writing of the proposed termination of service, except insofar as such notice is not legally permissible, in which event the exiting carrier shall confer with the Commission;

2. During the period between such notice and the actual termination of service, fully cooperate with all affected customers and with any carrier that seeks to fulfill a customer's request for continuation of such service ("the succeeding carrier") by providing a blanket letter of authorization/letter of agency (and any other necessary documentation) to the succeeding carrier in order to facilitate the transfer of circuits as well as access to all necessary facilities and equipment, and

3. During the period between such notice and the actual termination of service, expeditiously provide all circuit identification and any other information necessary for transferring the customer's service to the succeeding carrier.

In addition, XO and Northpoint request that, in its order dismissing this proceeding, the Commission indicate that it expects any other carrier that has been involved in any manner in the provision of such service to customers of the exiting carrier to:

1. Cooperate in sharing information and expeditiously creating procedures adequate for transfer of the customer from the exiting carrier to the succeeding carrier (either CLEC to ILEC or CLEC to CLEC) with the least possible disruption of service to the customer, and

2. Effect a direct one-step ("lift and lay") transfer of service process that prevents end user loops (or other facilities) previously utilized by the exiting carrier from returning to the "pool" of unused facilities and equipment and ensures that they will instead be available for immediate use by the succeeding carrier.

A proposed form of order is attached to this motion.

[Signature page follows]

Respectfully submitted:

XO Illinois, Inc.

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Dated: May 7, 2001